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JAN 18 2007

In re Application of
GANNON, AARON JAMES
Appl. No.: 10/646,901
Filed: August 22, 2003
For: **SYSTEM AND METHOD FOR CHANGING THE
RELATIVE SIZE OF A DISPLAYED IMAGE**

**DECISION ON PETITION
UNDER 37 CFR 1.59**

This is a decision on the petition under 37 CFR 1.59(b), filed September 28, 2006 to expunge information from the above identified application.

The petition is **Granted**.

Petitioner requests that the final Office action mailed June 5, 2006, be expunged from the record. Petitioner argues that comments made by the examiner in the sub-heading "Duty of Disclosure" are inappropriate "in that the statements are at least: (1) contrary to U.S. Patent and Trademark Office (USPTO) policies set forth in the Manual of Patent Examining Procedure (M.P.E.P.); and (2) inconsistent with legal precedent set forth by the Court of Appeals for the Federal Circuit (CAFC).

The Office will not comment on duty of disclosure issues, MPEP 2010.

The examiner in an Interview Summary Record dated September 7, 2006 has withdrawn the Office action of June 5, 2006. A new non-final Office action was mailed October 31, 2006. The time period set forth in the non-final Office action continues to run.

Accordingly, the final Office action mailed June 5, 2006 is vacated and closed. The Interview Summary Record dated September 7, 2006 is also closed.

Andrew Christensen
Acting Director
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